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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BATES, KEVIN T

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/850,384

Applicant(s)

NGUYEN ET AL

Examiner

Kevin Bates

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5-6-05</u> | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

This Office Action is in response to a communication made on July 19, 2005.

No claims have been amended or cancelled.

Claims 1 – 45 are pending in this application.

The Information Disclosure Statement was received May 6, 2005 and was considered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-2, 6-9, 11-18, 22-25, 27-32, 36-39, 41-45 are rejected under 35**

**U.S.C. 102(e) as being anticipated by Brown (6381321).**

Regarding claims 1, 15, 31, and 45, Brown discloses a method for sharing distributed media resources, comprising: determining at a first call manager that a telephony device controlled by the first call manager requires the use of a media resource device (Column 9, lines 16 – 21); selecting an appropriate media resource device from a media resource group list associated with the telephony device (Column 9, lines 21 – 25; Column 3, lines 46 – 51); and communicating an allocation request to a device process associated with the selected media resource device, the device process

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executing at a second call manager controlling the selected media resource device (Column 9, lines 24 – 28).

Regarding claims 6, 22, and 36, Brown discloses that the media resource group list includes a plurality of device names each identifying a media resource device; and selecting an appropriate media resource device comprises selecting a device name from the media resource group list (Column 13, lines 10 – 20).

Regarding claims 8, 24, and 35, Brown discloses that the media resource group list comprises one or more media resource groups, each media resource group including a list of device names of one or more media resource devices and a device type associated with each device name; and selecting an appropriate media resource device from the media resource group list comprises selecting a device name associated with a device type that is required by the telephony device (Column 13, lines 10 – 20; Column 14, lines 12 – 18).

Regarding claims 9, 25, and 39, Brown discloses that the media resource groups are ordered in the media resource group list; the device names are ordered in each media resource group (Column 11, lines 43 – 52; Column 14, lines 10 – 11); and selecting an appropriate media resource device comprises searching through the media resource groups and the device names in each media resource group in order till a device name associated with the required device type is found (Column 13, lines 45 – 57).

Regarding claims 11, 27, and 41, Brown discloses that one or more of the media resource groups include only media resource devices for use by a particular class of user (Column 14, lines 19 – 23).

Regarding claims 12, 28, and 42, Brown discloses receiving an allocation response from the device process indicating that the selected media resource device is available (Column 13, lines 58 – 67); and establishing a media streaming connection between the telephony device and the media resource device (Column 10, lines 19 – 22; Column 9, lines 24 – 28).

Regarding claims 14 and 44, Brown discloses receiving the media resource group list associated with the telephony device from the telephony device (Column 14, lines 19 – 24).

Regarding claim 16, Brown discloses that the control module comprises a call control module (Column 9, lines 16 – 20).

Regarding claim 17, Brown discloses that the control module comprises a media control module (Column 11, lines 17 – 23).

Regarding claim 30, Brown discloses that the control module is further operable to: receive the media resource group list associated with the telephony device from the telephony device (Column 14, lines 19 – 24); and communicate the media resource group list to the media resource manager (Column 13, lines 45 – 57).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3-5, 19-21, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Gilman (5757781).**

Regarding claims 3, 19, and 33, Brown does not explicitly indicate determining that the telephony device requires the use of a media resource device comprises determining that the telephony device desires to initiate a conference call. Gilman teaches a telecommunications system that allocates media resources to telephony devices which includes allowing the telephones to use conference calling (Column 5, lines 37 – 43; lines 53 – 66). It would have obvious to one of ordinary skill in the art at the time the invention was made to use Gilman's teachings of having conference calls as a media resource in Browns system in order to allow the expansion of just point-to-point calls into calls involving more parties, while using the resource allocation advantages of a dynamic system (Column 2, lines 5 – 22).

Regarding claims 4, 20, and 34, Brown does not explicitly indicate that determining the telephony device requires the use of a media resource device comprises determining that a media termination point is required to maintain a communication session with the telephony device. Gilman teaches a telecommunications system that allocates media resources to telephony devices which includes using terminating means into an established communication (Column 2, lines 55 – 61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Gilman's teaching of termination points as a media resource

in Brown's system in order to allow users more operations and choices for telecommunicating including hold, transfer, conference and drop (Column 9, lines 51 – 54).

Regarding claims 5, 21, and 34, Brown does not explicitly indicate that determining the telephony device requires the use of a media resource device comprises determining that the telephony device has been placed on hold and may be connected to a music-on-hold server. Gilman teaches a telecommunications system that allocates media resources to telephony devices which includes allowing music or video to be played while a telephony device is on hold (Column 10, lines 20 – 24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Gilman's teaching a media resource to play music or video while a telephone is on hold in Brown's system in order to provide additionally features to a user, while allowing those features to be dynamically allocated (Column 1, lines 48 – 55).

**Claims 2, 18, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Malomsoky (6512918).**

Regarding claims 2, 18, and 32, Brown discloses determining that the telephony device requires the use of a media resource device comprises determining that the telephony device desires to establish a telecommunication with a second telephony device (Column 9, lines 16 – 21), but does not explicitly indicate determining that a transcoder is required to establish the telecommunication. Malomsoky discloses a call setup system that determines if a call needs a transcoder and selects a transcoder from

a pool of transcoder resources to allocate to the call (Column 2, lines 32 – 39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the network to be adaptable and maintain quality of service (Column 1, line 62 – Column 2, line 5).

**Claims 7, 23, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Corduroy (5978465).**

Regarding claims 7, 23, and 37, Brown discloses accessing a mapping table to determine availability (Column 11, lines 13 – 15; Column 13, lines 10 – 20), but does not explicitly indicate that the mapping table indicates a process identification (PID) associated with the selected device name, the PID identifying a device process associated with the media resource device identified by the device name; and communicating the allocation request to the device process using the PID. Corduroy discloses a mapping table (Figure 5) that includes the process/host that is in control of the particular resource (Column 7, lines 18 – 42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Corduroy's teaching of identifying a resource with the process that is controlling the resource in order to ensure that other processes cannot retake or disrupt one process's resource usage (Column 6, lines 43 – 49) in Brown's system.

**Claims 13, 29, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Cave (7959854).**

Regarding claims 13, 29, and 43, Brown does not explicitly indicate receiving an allocation response from the device process indicating that the selected media resource



device is unavailable; selecting a second appropriate media resource device from the media resource group list; and communicating an allocation request to a second device process associated with the second media resource device. Cave discloses receiving an allocation response from the device process indicating that the selected media resource device is unavailable; selecting a second appropriate media resource device from the media resource group list; and communicating an allocation request to a second device process associated with the second media resource device (Column 4, lines 30 – 52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cave's teachings of searching for resources that are being least used in order to optimize the resource use in Brown's system (Column 4, lines 47 – 52).

**Claims 10, 26, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Shaffer (6687234).**

Regarding claims 10, 26, and 40, Brown does not explicitly indicate that one or more of the media resource groups include only media resource devices located in the same geographic area. Shaffer teaches using geographic locations of media resources in determining what applications use what media resource (Column 2, lines 11 – 26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take geographic location into consideration while determining optimal telecommunication resource allocation (Column 2, lines 49 – 60).

***Response to Arguments***

Applicant's arguments filed July 19, 2005 have been fully considered but they are not persuasive.

Regarding claim 1, the applicant argues that the reference, Brown, does not disclose a second call manager accepting resource allocation requests. The examiner disagrees, as seen in Brown on Column 10, line 16 to Column 11, line 25, the reference discloses lots of management modules in the telecommunications system, these include a service kernel (Column 10, line 16), a system manager (Column 10, line 38), a session manager (Column 10, line 44), a hardware manager (Column 10, line 56), a resource manager (Column 11, line 1), and a connection management module (Column 11, line 13). These are all separate management modules which interact with each other to ensure measures are taken in order to handle a call request from a subscriber. As for the claims, they disclose a first call manager which handles the user request, which Brown discloses on Column 9, lines 16 – 25 and Column 10, lines 47 – 48 it shows that the system manager starts up new calls, thus receiving the request from the subscriber to setup the new call, the system manager then notifies the system kernel that the new call needs to be setup up. The system kernel works with other management modules and communicated requests and information with those modules (Column 10, lines 16 – 26) the kernel needs to provide the new call with the necessary resources (Column 9, lines 20 – 23) thus uses an application/management module called the resource management module, thus a second call management module in the system, to allocate the necessary resources to the new call requests for the system manager and the system kernel (Column 11, lines 1 – 12). So as seen the reference,

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Brown discloses call managers, including a first call managers for handling new call requests from the client, and a second call manager notified that first call manager needs to be allocated a resource.

Regarding claim 7, the applicant argues that the reference, Corduroy, does not disclose accessing a mapping table to determine a process identification associated with a selected device name. The examiner disagrees, the reference Corduroy discloses resource allocations in a telecommunications system which includes using a mapping table to track call center resources (Column 7, lines 18 – 20) and that Corduroy's table includes having group process identification associated with the resources (Column 7, lines 43 – 51) where the group process identifier discloses what group/process the resource is associated with any much more information.

Regarding claim 13, the applicant argues that the reference, Cave, does not explicitly indicate selecting a second appropriate media resource device from a media resource group list, or communication an allocation request to a second deice process associated with the second media resource device. The examiner disagrees, Cave discloses a system which allocated resources in a telecommunications system that includes on Column 4, lines 43 – 45; which shows that in Cave's system it first looks at a group list to see what is available, if that fails then it checks another a second list to see if any other resource device that can handle the situation is available and if the second one is found it uses the recourses to start the allocation of that second resource (Column 4, lines 49 – 52) which in Brown's system includes an allocation request to the management module.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB  
August 11, 2005

*Bharat Barot*  
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PRIMARY EXAMINER